IT IS ORDERED that: (1) Respondent's motion to dismiss is granted;

and (2) Judgment shall be entered dismissing this action with prejudice.

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IT IS FURTHER ORDERED that the Clerk serve copies of this Order and the Judgment herein on Petitioner and counsel for Respondent.

4 LET JUD

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: June 30, 2010

UNITED STATES DISTRICT JUDGE

ANDREW J. GUILFORD

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